REMARKS

Examiner Interview

Applicant thanks the Examiner for the courtesy of the telephone interview on June 6, 2005 in which the Examiner clarified that paragraph 10 of the February 10, 2005 Office Action is meant to reject claims 1, 10, and 31.

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims a device abstraction layer communicating with a content abstraction program interface. In addition, Applicant claims presenting a list of applicable content services through a content abstraction program interface (CAPI), where the CAPI provides the content services with control of access to content on a device.

Rejections

Rejections under 35 U.S.C. § 112, first paragraph

Claims 33

Applicant respectfully submits that claim 33, as amended, satisfies the requirements of 35 U.S.C § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

Rejections under 35 U.S.C. § 102(e)

Claims 8 and 9

Claims 8 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shteyn, U.S. Patent No. 6,618,764. Applicant does not admit that Shteyn is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's claims 8-9 are not anticipated by Shteyn.

Shteyn discloses controlling access between resources (e.g., devices or services) on dissimilar networks. A Reference Factory detects the resources on one network and creates references to these resources. In addition, an Object Factory creates objects of the resource references that allow a device on another network to access resources on the first network. The first network may be dissimilar from the second network.

In claims 8-9, Applicant claims a device abstract layer communicating with a content abstraction program interface (CAPI). However, because Shteyn does not disclose a CAPI as claimed, Shteyn cannot teach or suggest this claim limitation. Therefore, Applicant respectfully submits that claims 8-9 are not anticipated by Shteyn under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 1-7, 10-19, 22-26, 31-37, and 39-43

Claims 1-7, 10-19, 22-26, 31-37, and 39-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn and Van Der Meulen, U.S. Patent No. 6,563,769. Van Der Meulen qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Van Der Meulen is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of claims 1-7, 10-19, 22-26, 31-37, and 39-43.

Van Der Meulen discloses a virtual jukebox that catalogs, archives and retrieves the recordings from a hard disk or other mass storage device. Furthermore, the virtual jukebox includes a collection manager that provides controlled access to the storage devices and an audio/visual system that presents the recordings.

In independent claims 1, 11, 31, and 39, Applicant claims a CAPI that abstracts a device's functionality and provides the device with a set of content services that control the content accessibility to the device. The Examiner admits that Shteyn does not teach or suggest the claimed element and relies on Van Der Meulen as disclosing this claim limitation. However, Van Der Meulen does not disclose a CAPI as claimed. Therefore, the combination cannot render obvious Applicant's independent claims 1, 11, 31, and 39

and claims 2-7, 10, 12-19, 22-26, 32-37, and 40-43 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claims 20-21

Claims 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn, Van Der Meulen, and Hosken (U.S. Patent No. 6,438,579). Hosken qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Hosken is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of claims 20-21.

Hosken discloses recommending media items to a user. A computer system presents the media items to the user for consideration and monitors the user's interest in the presented media items.

Applicant respectfully submits that the combination of Shteyn, Van Der Meulen and Hoskin do not teach or suggest each and every limitation of Applicant's claims 20-21. Claims 20-21 depend from claim 11. Independent claim 11 recites a CAPI that abstracts a device's functionality and provides the device with a set of content services that control the content accessibility to the device. As discussed above, neither Shteyn nor Van Der Meulen teach or suggests this claim limitation. Because Hoskin is directed towards recommending media items to a user, Hoskin cannot be properly interpreted as teaching or suggesting this claim limitation. Therefore, the combination cannot render obvious Applicant's claim 11 and claims 20-21 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claims 27, 29, 30 and 38

Claims 27, 29, 30 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn, Van Der Meulen, and Kenner, U.S. Patent No. 5,956,716. Applicant respectfully submits that the combination does not teach each and every element of claims 27, 29, 30 and 38.

Kenner discloses storing and retrieving video clips that may be cached locally on a user's computer or stored remotely.

Applicant respectfully submits that the combination of Shteyn, Van Der Meulen and Kenner do not teach or suggest each and every limitation of Applicant's claims 27, 29, 30 and 38. Claims 27, 29, 30 and 38 depend from either claim 11 or 31. Independent claims 11 and 31 recite a CAPI that abstracts a device's functionality and provides the device with a set of content services that control the content accessibility to the device. As discussed above, neither Shteyn nor Van Der Meulen teach or suggest this claim limitation. Because Kenner is directed towards storing/retrieving video clips, Kenner cannot be properly interpreted as teaching or suggesting this claim limitation. Therefore, the combination cannot render obvious Applicant's claims 11 and 31 and claims 27, 29, 30 and 38 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claim 28

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn, Van Der Meulen, Kenner, and Hosken. Applicant respectfully submits that the combination does not teach each and every element of claim 28.

Claims 28 depends from either claim 11. Independent claim 11 recites a CAPI that abstracts a device's functionality and provides the device with a set of content services that control the content accessibility to the device. As discussed above, none of Shteyn, Van Der Meulen, Kenner, Hosken teach or suggest this claim limitation. Because the combination does not render obvious Applicant's claim 11, the combination cannot be properly interpreted as rendering obvious claim 28. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

SUMMARY

Claims 1-43 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for

allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x258.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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